

United States District Court
Central District of California

ALEXANDER STROSS,
Plaintiff,
v.
MOVE, INC. et al.,
Defendants.

Case № 2:23-cv-04538-ODW (AGRx)

**ORDER DENYING MOTION TO
DISMISS AS MOOT [13]**

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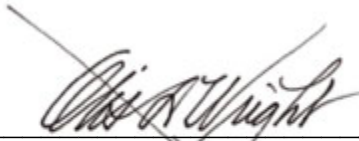
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1 Defendant Move, Inc. served Plaintiff Alexander Stross with a Federal Rule of
2 Civil Procedure 12(b)(6) motion to dismiss in this case on August 1, 2023. (ECF
3 No. 13.) On August 22, 2023, Stross filed a First Amended Complaint, twenty-one
4 days after Move filed its responsive pleading. (ECF No. 17.) Federal Rule of Civil
5 Procedure 15(a)(1) allows plaintiffs to file an amended complaint once as a matter of
6 course within twenty-one days of service with a Rule 12(b) motion. Therefore,
7 Stross's amended complaint is proper. As the pending motion to dismiss was based
8 on a complaint that is no longer operative, the Court **DENIES AS MOOT** the motion.
9 *See Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

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11 **IT IS SO ORDERED.**

12
13 August 23, 2023

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16 **OTIS D. WRIGHT, II**
17 **UNITED STATES DISTRICT JUDGE**
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